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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/242,215 02/08/99 MCANALLEY

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020594 HM12/0920
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EXAMINER

FLOOD, M

ART UNIT

PAPER NUMBER

1651

DATE MAILED:

09/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/242,215		MCANALLEY et al.	03258.0172

EXAMINER	
Michele C. Flood	
ART UNIT	PAPER NUMBER
1651	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The reply filed on July 12, 2001 is not fully responsive (MPEP § 821.03). Applicant has substantially amended Claim 1 and presented new claims drawn to additional inventions. None of the claims read on the originally examined invention. The claims are not readable on the originally examined invention because the originally examined invention is drawn to a composition comprising a first sugar and a second sugar, whereas the claims now are drawn to compositions comprising at least six saccharides. Moreover, the newly claimed compositions do not necessarily consist of sugars selected from the second group of sugars originally examined. Thus, the search for the originally presented invention vs. the various distinct inventions instantly claimed is not co-extensive, particularly with regard to the literature search. Further, a reference which would anticipate the invention of the originally examined invention would not necessarily anticipate or even make obvious the distinct inventions instantly claimed.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.16(a) ARE AVAILABLE.

If applicants wish to pursue the instantly claimed invention, it is suggested that a Continuation Prosecution Application (CPA) or other type of Continuation application be filed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Flood whose telephone number is (703) 308-9432. The examiner can normally be reached Monday through Friday from 7:15 am to 3:45 pm. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703) 308-0196 or the Supervisory Patent Examiner, Michael Wityshyn whose telephone number is (703) 308-4743.

MCF

September 19, 2001

CHRISTOPHER A. TATE
PRIMARY EXAMINER